

AO 257 (Rev. 6/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☒ SUPERSEDING**OFFENSE CHARGED**

SEE ATTACHMENT

- ☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony

PENALTY:

SEE ATTACHMENT

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

**DEFENDANT - U.S.**

JOSEPH VU NGUYEN

DISTRICT COURT NUMBER

CR 08-0246 CW

**FILED**  
MAY 21 2008RICHARD W. WEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND**PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

Bureau of Alcohol, Tobacco, Firearms, and Explosives

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. ATTORNEY ☐ DEFENSESHOW  
DOCKET NO.☐ this prosecution relates to a pending case involving this same defendantMAGISTRATE  
CASE NO.☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form JOSEPH P. RUSSONIELLO

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

AUSA GARTH HIRE

**DEFENDANT**  
**IS NOT IN CUSTODY**Has not been arrested, pending outcome this proceeding.  
1) ☐ If not detained give date any prior summons was served on above charges2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☒ On another conviction☐ Federal ☒ State6) ☒ Awaiting trial on other chargesIf answer to (6) is "Yes", show name of institution  
Santa Rita JailHas detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF  
ARREST

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

DATE TRANSFERRED  
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☐ NO PROCESS\* ☒ WARRANT

Bail Amount: No Bail

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

**PENALTY SHEET ATTACHMENT**

**UNITED STATES v. JOSEPH VU NGUYEN AND DAVIS KIET DANG**  
**CR 08-0246 CW**

**COUNT ONE (Dang)**

**Conspiracy to Interfere with Commerce through Robbery and Extortion**  
**(18 U.S.C. §§ 1951(a))**

Imprisonment: 20 Years Imprisonment  
Fine: Maximum \$250,000  
Supervised Release: Maximum 3-Year Term of Supervised Release  
Special Assessment: \$100

**COUNT TWO (Nguyen)**

**Felon in Possession of Firearm and Ammunition**  
**(18 U.S.C. § 922(g)(1))**

Imprisonment: 10 Years Imprisonment  
Fine: Maximum \$250,000  
Supervised Release: Maximum 3-Year Term of Supervised Release  
Special Assessment: \$100

**COUNTS THREE (Nguyen) AND FOUR (Dang)**

**Possession of a Controlled Substance (Methamphetamine)**  
**(21 U.S.C. § 844(a))**

*If 21 U.S.C. § 851 Information alleging prior narcotics conviction NOT FILED:*

Imprisonment: Maximum 1 Year Imprisonment  
Fine: Maximum \$1,000  
Supervised Release: Maximum 1-Year Term of Supervised Release  
Special Assessment: \$25

If 21 U.S.C. § 851 Information alleging prior narcotics conviction FILED:

Imprisonment:	Maximum 2 Years Imprisonment (one prior) Mandatory Minimum 15 Days Imprisonment (one prior)
	Maximum 3 Years Imprisonment (two priors) Mandatory Minimum 90 Days Imprisonment (two priors)
Fine:	Maximum \$2,500 (one prior) Maximum \$5,000 (two priors)
Supervised Release:	Maximum 1-Year Term of Supervised Release
Special Assessment:	\$100

E-filing

AO 257 (Rev. 6/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING
**OFFENSE CHARGED**

SEE ATTACHMENT

- ☐
- Petty
- 
- ☐
- Minor
- 
- ☐
- Misdemeanor
- 
- ☒
- Felony

PENALTY:

SEE ATTACHMENT

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.

DAVIS KIET DANG

DISTRICT COURT NUMBER  
CR 08-0246 CW**FILED**

MAY 21 2008

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND**PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

Bureau of Alcohol, Tobacco, Firearms, and Explosives

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE
SHOW  
DOCKET NO.
☐ this prosecution relates to a pending case involving this same defendant
MAGISTRATE  
CASE NO.
☒ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

4-08-70245 WDB

Name and Office of Person

Furnishing Information on this form JOSEPH P. RUSSONIELLO

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

AUSA GARTH HIRE

**DEFENDANT****IS NOT IN CUSTODY**
 1) ☐ Has not been arrested, pending outcome this proceeding.  
☐ If not detained give date any prior summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☒ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF  
ARREST
 Month/Day/Year  
4/22/08

Or... If Arresting Agency &amp; Warrant were not

DATE TRANSFERRED  
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**
☐ SUMMONS ☒ NO PROCESS\* ☐ WARRANT

Bail Amount: \_\_\_\_\_

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: \_\_\_\_\_

Before Judge: \_\_\_\_\_

Comments:

**PENALTY SHEET ATTACHMENT**

**UNITED STATES v. JOSEPH VU NGUYEN AND DAVIS KIET DANG  
CR 08-0246 CW**

**COUNT ONE (Dang)**

**Conspiracy to Interfere with Commerce through Robbery and Extortion  
(18 U.S.C. §§ 1951(a))**

Imprisonment: 20 Years Imprisonment  
Fine: Maximum \$250,000  
Supervised Release: Maximum 3-Year Term of Supervised Release  
Special Assessment: \$100

**COUNT TWO (Nguyen)**

**Felon in Possession of Firearm and Ammunition  
(18 U.S.C. § 922(g)(1))**

Imprisonment: 10 Years Imprisonment  
Fine: Maximum \$250,000  
Supervised Release: Maximum 3-Year Term of Supervised Release  
Special Assessment: \$100

**COUNTS THREE (Nguyen) AND FOUR (Dang)**

**Possession of a Controlled Substance (Methamphetamine)  
(21 U.S.C. § 844(a))**

*If 21 U.S.C. § 851 Information alleging prior narcotics conviction NOT FILED:*

Imprisonment: Maximum 1 Year Imprisonment  
Fine: Maximum \$1,000  
Supervised Release: Maximum 1-Year Term of Supervised Release  
Special Assessment: \$25

*If 21 U.S.C. § 851 Information alleging prior narcotics conviction FILED:*

Imprisonment:	Maximum 2 Years Imprisonment (one prior) Mandatory Minimum 15 Days Imprisonment (one prior)
	Maximum 3 Years Imprisonment (two priors) Mandatory Minimum 90 Days Imprisonment (two priors)
Fine:	Maximum \$2,500 (one prior) Maximum \$5,000 (two priors)
Supervised Release:	Maximum 1-Year Term of Supervised Release
Special Assessment:	\$100

E-filing

**United States District Court**FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

VENUE: OAKLAND

**FILED**

MAY 21 2008

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

UNITED STATES OF AMERICA,

V.

CR-08-246-CW

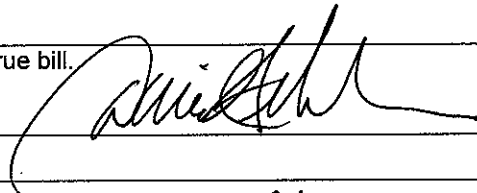
JOSEPH VU NGUYEN, and DAVIS KIET  
DANG, aka Kiet Dang, aka Kiet Davis Anh  
Dang, aka Kiet Davisanh Dang,

DEFENDANT(S).

**SUPERSEDING INDICTMENT**18 U.S.C. § 1951(a) - Conspiracy to Interfere with Commerce by  
Robbery and Extortion;18 U.S.C. § 922(g)(1) - Felon in Possession of a Firearm and  
Ammunition;

21 U.S.C. § 844(a) - Possession of Methamphetamine

A true bill.



Foreman

Filed in open court this 21 day ofMAY 2008

Clerk

Bail, \$

No bail arrest warrant  
only for Mr. Nguyen.  
5-21-08

Wayne D. Brazil

E-filing

JOSEPH P. RUSSONIELLO (CABN 44392)  
United States Attorney

**FILED**  
MAY 21 2008  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH VU NGUYEN, and  
DAVIS KIET DANG,  
aka Kiet Dang,  
aka Kiet Davis Anh Dang,  
aka Kiet Davisanh Dang,

Defendants.

No. CR 08-0246 CW

VIOLATIONS: 18 U.S.C. § 1951(a) –  
Conspiracy to Interfere with Commerce by  
Robbery and Extortion; 18 U.S.C.  
§ 922(g)(1) – Felon in Possession of a  
Firearm and Ammunition; 21 U.S.C.  
§ 844(a) – Possession of Methamphetamine

OAKLAND VENUE

FIRST SUPERSEDING INDICTMENT

The Grand Jury charges:

COUNT ONE: (18 U.S.C. § 1951(a) – Conspiracy to Interfere with Commerce by  
Robbery and Extortion)

On or about January 6, 2008, in the Northern District of California, defendant

DAVIS KIET DANG,  
aka Kiet Dang,  
aka Kiet Davis Anh Dang,  
aka Kiet Davisanh Dang,

did knowingly and intentionally conspire with others known to the Grand Jury to obstruct, delay,  
and affect commerce and the movement of articles and commodities in commerce by robbery and  
extortion, in violation of Title 18, United States Code, Section 1951(a).

FIRST SUPERSEDING INDICTMENT



1 COUNT TWO: (18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm and  
2 Ammunition)

3 On or about February 6, 2008, in the Northern District of California, defendant  
4 JOSEPH VU NGUYEN,  
5 having previously been convicted of a felony crime punishable by a term of imprisonment  
6 exceeding one year, did knowingly and intentionally possess, in and affecting interstate  
7 commerce, a firearm, namely, a KBI, Model PMK-380, .380 caliber, semi-automatic pistol, with  
8 an obliterated serial number, and ammunition, namely, eight rounds of Winchester .380 caliber  
9 ammunition, in violation of Title 18, United States Code, Section 922(g)(1).  
10

11 COUNT THREE: (21 U.S.C. § 844(a) – Possession of Methamphetamine)

12 On or about February 6, 2008, in the Northern District of California, defendant  
13 JOSEPH VU NGUYEN,  
14 did knowingly and intentionally possess a Schedule II controlled substance, namely, a mixture  
15 and substance containing a detectable amount of methamphetamine, that was not obtained  
16 directly, or pursuant to a valid prescription and order, from a practitioner acting in the course of  
17 his or her professional practice, in violation of Title 21, United States Code, Section 844(a).

18 COUNT FOUR: (21 U.S.C. § 844(a) – Possession of Methamphetamine)

19 On or about February 6, 2008, in the Northern District of California, defendant  
20 DAVIS KIET DANG,  
21 aka Kiet Dang,  
22 aka Kiet Davis Anh Dang,  
23 aka Kiet Davisanh Dang,  
24 did knowingly and intentionally possess a Schedule II controlled substance, namely, a mixture  
25 and substance containing a detectable amount of methamphetamine, that was not obtained  
26 directly, or pursuant to a valid prescription and order, from a practitioner acting in the course of

26 ///

27 ///

28 ///

FIRST SUPERSEDING INDICTMENT

his or her professional practice, in violation of Title 21, United States Code, Section 844(a).

DATED:

5-21-08

A TRUE BILL

FOREPERSON

JOSEPH P. RUSSONIELLO  
United States Attorney

W. DOUGLAS SPRAGUE  
Chief, Oakland Branch

(Approved as to form:

AUSA GARTH HIRE

FIRST SUPERSEDING INDICTMENT